

REMARKS**Summary of the Office Action**

Claims 1 and 2 stand rejected under 35 U.S.C. § 102(b) as being anticipated by German Patent No. 84519 (“’519”).

Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,560,529 to Udagawa et al. (“Udagawa”) (Note that this reference is described as “Udagawa ‘529,” but no such reference has been previously mentioned and a call to determine the actual reference was not returned. Applicants assume this is the reference intended as there is no other Udagawa patent ending in ‘529 to be found on the PTO website.).

Claim 2 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Udagawa in view of ‘519 or U.S. Patent No. 4,770,334 to Hoshi et al. (“Hoshi”).

Summary of the Response to the Office Action

Claim 1 has been amended. Claims 3-13 have been withdrawn as the result of the restriction requirement. Claims 14 and 15 have been added. Claims 1-15 are pending for consideration.

The Rejections Under 35 U.S.C. § 102(b)

Claims 1 and 2 stand rejected under 35 U.S.C. § 102(b) as being anticipated by ‘519. Applicants respectfully traverse the rejection.

The Office Action alleges that component m of '519 is the motor recited in claim 1, while it is plainly described in the specification as a pedal ("Hebel"). Even if the translation of "Hebel" is questioned, it is apparent that there is no motor involved or there would be no need to translate up and down motion to rotary motion as done in '519. The Office Action asserts that the alleged stapling apparatus of '519 a "plurality of feeding teeth 'd' thereon for engagement between staple 'a' of a rolled staple coil. Element a of '519 is identified as a band rather than the rolled staple recited in claim 1. While "Heftband" has a variety of possible translations, none of them are "staple" or "coil." A look at the section shown in Fig. 1 of '519 shows that "Heftband a" is not a staple as asserted in the Office Action.

Even if, for the sake of argument, the asserted elements of '519 are as asserted in the Office Action, the Office Action does not even address the requirement of claim 2 that the "plurality of feeding teeth [are] formed on a peripheral face of the feeding roller and facing between adjacent staples of the rolled staple." In fact, the feeding teeth d of '519 do not engage the peripheral face of the feeding roller nor do they face between adjacent staples (Because, inter alia, there are no adjacent staples.) of the rolled staple (Which is not disclosed or suggested.) as recited in claim 2.

Finally, claim 1 has been amended to recite that "the peripheral face of the rolled staple which is in contact with the feeding roller is a portion of the rolled staple which is wound and accommodated in a holder... ." In contrast, in '519 and Hoshi, the rollers are in contact with straight portions which are outside of the wound portions.

For at least the above reasons, Applicants respectfully request that the rejection of claims 1 and 2 under 35 U.S.C. § 102(b) as being anticipated by '519 be withdrawn.

Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Udagawa.

Applicants respectfully traverse the rejection.

The Office Action alleges that Udagawa discloses a motor for advancing a straight staple of a coil of staples, citing col. 4, lines 60-65 and Fig. 9. However, col. 4, lines 60-65 is describing the embodiment of Figs. 7 and 8 instead of the embodiment of Fig. 9. The embodiment shown in Fig. 8 does not have staples coupled to form a roll shape as required by claim 1. Instead, the configuration shown in Fig. 8 has “a plurality of staple sheets... in a sheet-like form [and] arranged in multi-layered form.” (col. 2, lines 53-55.) The embodiment of Fig. 9, on the other hand, does not have a feeding roller in contact with a peripheral face of a rolled staple as recited in claim 1.

For at least the above reasons, Applicants respectfully request that the rejection of claim 1 under 35 U.S.C. § 102(b) as being anticipated by Udagawa be withdrawn.

The Rejections Under 35 U.S.C. § 103(a)

Claim 2 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Udagawa in view of '519 or Hoshi. Applicants respectfully traverse the rejection.

Applicants explained above about the missing elements of Udagawa. Hoshi also does not disclose or suggest a feeding roller in contact with a peripheral face of a rolled staple as recited in claim 1. Instead, backward movement preventing roller 50 of Hoshi is a ratchet device rather than a feeding roller and contacts the flat portion of staple blanks 45.

For at least the above reasons, Applicants submit that claims 1, 2, 14 and 15 are in condition for allowance. Allowance of claims 1, 2, 14, and 15 is earnestly solicited.

CONCLUSION

In view of the foregoing, Applicants respectfully request reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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